

Town of Amherst  
Zoning Board of Appeals - Special Permit  
*DECISION*

**Applicants and Owners:** G. Chris and Jean C. Allison  
560 South East Street, Amherst, MA 01002

**Date Application filed with the Town Clerk:** February 20, 2007

**Nature of request:** Petitioner seeks a Special Permit under Section 5.011 of the Zoning Bylaw to construct a supplemental apartment.

**Location of property:** 560 South East Street, Map 17D, Parcel 11, R-N/FPC zone.

**Legal notice:** Published in the Daily Hampshire Gazette on February 27 and March 6, 2007, and sent to abutters on February 28, 2007.

**Board members:** Tom Simpson, Barbara Ford and Jane Ashby

**Submissions:**

The applicants submitted the following documents:

- A Management Plan;
- A Floor Plan;
- North and East Elevations of the exterior of the apartment;
- A Site Plan from the Amherst GIS Viewer, dated February 1, 2007.

Town staff submitted the following documents:

- From the Fire Department, a memorandum dated March 6, 2007;
- From the Planning Department, a memorandum dated March 9, 2007.

**Site Visit:** March 12, 2007

At the site visit the Board was met by the applicants, Jean and Chris Allison. The Board observed the following:

- The older, wood-framed house, located next to the Norwottuck Rail Trail and the underpass for South East Street;
- Hop Brook to the northeast;
- The relatively flat portion of the property where the house is located;
- The steep slope down to Hop Brook;
- The fences at the edge of the property and the approximate locations of the property lines;
- The interior of the basement space that is proposed to become an apartment;
- The two egresses from the basement;
- The location of the proposed kitchen, closets, bathroom and living space;
- The existing parking area on site, adjacent to the house, large enough for five (5) cars;
- The parking area at the bottom of the driveway, within the town right-of-way, next to South East Street.

**Public Hearing:** March 13, 2007

Chris and Jean Allison presented the petition. They made the following comments:

- The area in the basement had been a bedroom and living room;
- They would like to add a kitchen and bathroom and create a small living space;
- They plan to rent the space initially, but in the future it may be inhabited by an elderly parent;
- The space is approximately 420 square feet in area;
- All the changes will be on the interior of the building;
- The apartment is too small to meet the accessibility guidelines for handicapped access;
- Since the space is small only one single person or a couple would be able to live there at a time;
- There are separate entrances for the two units in the building;
- There also an internal stairway for access from one unit to the other;
- This stairway would be kept locked if the unit downstairs were rented, but it would be unlocked if a parent lived there;
- Mr. Allison is aware of the need for the tenant to have access to the circuit breakers;
- There is a fire hydrant across the bike path from the house on the same side of South East Street;
- A one-hour fire separation will be required between the apartment and the main portion of the house.

The Board discussed parking and turnaround space with the applicants. Mr. Allison stated that it is possible to turn a car around in the driveway, even when there are five cars parked there, within the existing paved or graveled area.

Ms. Ford asked if the Allisons intend to occupy the house. Mr. Allison stated that they do intend to occupy the house.

Ms. Ford MOVED to close the evidentiary portion of the public hearing. Ms. Ashby SECONDED the motion. The Board VOTED unanimously to close the evidentiary portion of the public hearing.

**Public Meeting – Discussion**

At the public meeting the Board discussed the conditions that they would impose if they granted the petition. The Board also discussed its findings.

**Public Meeting – Findings:**

Under Zoning Bylaw Section 10.38 the Board found that:

- 10.380 and 10.381 – The proposal is suitably located in the neighborhood and is compatible with existing uses because the proposed use is residential as are the surrounding uses and supplemental apartments are allowed with a Special Permit in this zone.
- 10.382 and 10.385 – The proposal would not constitute a nuisance and reasonably protects the adjoining premises against detrimental or offensive uses on the site because there are no external changes being proposed and the supplemental apartment is a residential use;
- 10.383 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians because there are no abutters nearby and the driveway will not change.
- 10.384 – Adequate and appropriate facilities would be provided for the proper operation of the proposed use because the living space will be small but adequate for a supplemental apartment and it will be equipped with a kitchen and bathroom.
- 10.386 – The proposal ensures that it is in conformance with the Parking and Sign regulations because there are two parking spaces available for each dwelling unit plus one more (a total of 5 spaces) and no signs are proposed.

- 10.387 - The proposal provides convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets because there is adequate space available to turn around on the site so that vehicles do not need to back out onto the road.
- 10.388 - The proposal ensures adequate space for off-street loading and unloading of vehicles because the driveway is large enough to accommodate such vehicles.
- 10.389 - The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables and other wastes because the owners take the trash and recycling to the town landfill and the property is served by a private septic system which has been adequate in the past to accommodate the needs of the main house plus the bedroom in the basement; and the conditions of the permit limit the number of inhabitants allowed to reside on a regular basis in the basement apartment to one person.
- 10.390 - The proposal ensures protection from flood hazards because there are no exterior changes being proposed that would alter the flood conditions.
- 10.391 and 10.395 - The proposal protects, to the extent feasible, unique or important natural, historic or scenic features and does not create disharmony with respect to the scale and architecture of existing buildings because there are no exterior changes being proposed and nothing is proposed that would affect the rail trail or adjacent conservation land.
- 10.393 - The proposal provides protection of adjacent properties by minimizing the intrusion of lighting because exterior lighting will be downcast and there are no immediate abutters who would be affected by the lighting.
- 10.394 - The proposal avoids impact on steep slopes, floodplains, scenic views, grade changes and wetlands because there are no external changes proposed.
- 10.395 - The proposal does not create disharmony because there are no external changes being proposed.
- 10.397 - The proposal provides adequate recreational facilities, open space and amenities for the proposed use because there is a large backyard and adjacent open space available for use by the inhabitants of the building.
- 10.398 - The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it provides additional housing and for the reasons stated above.

#### **Public Meeting – Zoning Board Decision**

Mr. Simpson MOVED to approve the application with conditions. Ms. Ford SECONDED the motion.

For all the reasons stated above the Board VOTED unanimously to grant a Special Permit with conditions, under Section 5.011 of the Zoning Bylaw, to construct a supplementary apartment at 560 South East Street (Map 17D, Parcel 11, R-N/FPC Zone).

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THOMAS SIMPSON

\_\_\_\_\_  
BARBARA FORD

\_\_\_\_\_  
JANE ASHBY

FILED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2007 at \_\_\_\_\_,  
in the office of the Amherst Town Clerk \_\_\_\_\_.

TWENTY-DAY APPEAL period expires, \_\_\_\_\_ 2007.

NOTICE OF DECISION mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2007  
to the attached list of addresses by \_\_\_\_\_, for the Board.

NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
in the Hampshire County Registry of Deeds.

Town of Amherst  
Zoning Board of Appeals

*SPECIAL PERMIT*

The Amherst Zoning Board of Appeals hereby grants a Special Permit, under Section 5.011 of the Zoning Bylaw, to construct a supplementary apartment, as applied for by Chris and Jean Allison, at 560 South East Street (Map 17D, Parcel 11, R-N/FPC Zone) with the following conditions:

1. The supplemental apartment shall be built in accordance with the plans and elevations approved by the Board on March 13, 2007.
2. The supplemental apartment shall be managed in accordance with the Management Plan approved by the Board on March 13, 2007.
3. Exterior lights shall be downcast.
4. The address shall be properly displayed at the street and at the building so as to be visible to emergency vehicles. The address sign at the road edge shall be visible from both directions and shall not block the sight distance for vehicles entering and exiting the driveway.
5. The building shall be owner-occupied.
6. Only one person shall reside on a regular basis in the supplemental apartment.
7. This permit shall expire upon change of ownership.

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THOMAS SIMPSON, Chair  
Amherst Zoning Board of Appeals

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DATE